

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 923

By: Laughlin

AS INTRODUCED

An Act relating to agriculture; authorizing the Attorney General or district attorney to bring certain actions; authorizing Attorney General to enter into certain consent judgments; requiring approval of consent judgments by district court; authorizing court to make certain orders; requiring certain records to be kept; authorizing the Attorney General to prescribe how certain records are kept; providing penalty and fine; authorizing the Attorney General to promulgate rules to enforce the provisions of the Competitive Livestock Markets Act; providing for cooperation with other entities; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-165 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Attorney General or any district attorney may bring an action to:

1. Obtain a declaratory judgment that an act or practice violates the Competitive Livestock Markets Act;

2. Enjoin or to obtain a restraining order against a packer who has violated, is violating or is otherwise likely to violate any provision of the Competitive Livestock Markets Act;

3. Recover damages on behalf of a person by reason of violations of the Competitive Livestock Markets Act; and

4. Recover reasonable expenses and investigation fees.

B. In lieu of instigating or continuing an action or proceeding, the Attorney General may accept a consent judgment with respect to any act or practice declared to be a violation of the

Competitive Livestock Markets Act. Such a consent judgment shall provide for the discontinuance by the packer of any act or practice declared to be a violation of the Competitive Livestock Markets Act, and it may include a stipulation for the payment by such packer of reasonable expenses and investigation fees incurred by the Attorney General. Any consent judgment entered into pursuant to this section shall not be deemed to admit the violation, unless it does so by its terms. Before any consent judgment entered into pursuant to this section shall be effective, it must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of such judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law therefor.

C. In any action brought by the Attorney General or a district attorney, the court may:

1. Make such orders as may be necessary to prevent the use or employment by a packer of any practices declared to be a violation of the Competitive Livestock Markets Act;
2. Make such orders or judgments as may be necessary to compensate any person for damages sustained;
3. Revoke any license or certificate authorizing that packer to engage in business in this state; and
4. Issue a temporary restraining order or enjoin any packer from engaging in business in this state.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-166 of Title 2, unless there is created a duplication in numbering, reads as follows:

Every packer shall keep such accounts, records and memoranda as necessary to fully and correctly disclose all transactions involved in such person's business, including the true ownership of such business by stockholding or otherwise. Whenever the Attorney

General finds that the accounts, records and memoranda of such person do not fully and correctly disclose all transactions involved in such person's business, the Attorney General may prescribe the manner and form in which such accounts, records and memoranda shall be kept. Any such person who fails to keep such accounts, records and memoranda in the manner and form prescribed or approved by the Attorney General is guilty of a misdemeanor and shall be subject to a fine of not more than Twenty Thousand Dollars (\$20,000.00).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9-167 of Title 2, unless there is created a duplication in numbering, reads as follows:

The Attorney General shall be responsible for enforcement of the Competitive Livestock Markets Act and shall promulgate such rules as may be necessary to carry out the provisions of the Competitive Livestock Markets Act. The Attorney General, to carry out the provisions of the Competitive Livestock Markets Act, may cooperate with any state department, agency or any local municipality and any department or agency of the federal government and state, territory, district or possession or department or agency or political subdivision thereof or any person.

SECTION 4. This act shall become effective November 1, 2002.

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